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2 The Westfield Washington Township Board of Zoning Appeals met at 7:00 p.m. on Tuesday,  
3 November 9, 2010 at Westfield City Hall. Members present included Dan Degnan, Randy  
4 Graham, Bill Sanders, Craig Wood, and Martin Raines. Also present were Kevin Todd, Senior  
5 Planner; Andrew Murray, Planner, and City Attorney, Brian Zaiger.

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8 **APPROVAL OF MINUTES**  
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10 Degnan moved to approve October 12, 2010 minutes as presented.

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12 Raines seconded, and the motion passed by voice vote.

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14 Sanders reviewed the Public Hearing Rules and Procedures.

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17 **NEW BUSINESS**  
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19 **1011-VS-06**

20 **PUBLIC HEARING**

**519 West Main Street; Speedway SuperAmerica LLC.**

The Appellant is requesting a Variance of Standard from the Westfield-Washington Zoning Ordinance (WC 16.08.010 G1) to increase the sign area allocation for the business.

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24 Todd presented the details of the variance request, which is to increase the amount of allowable  
25 sign area for the business. He stated that according to the Ordinance, the business would be  
26 allowed a total of 440 square feet of signage on the site; the variance request is for a total of 482  
27 square feet of signage on the site, which is approximately a 9% increase. He stated that staff  
28 could not identify a practical difficulty in meeting the City's sign ordinance and for that reason  
29 staff is recommending denial of the variance request.

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31 Mr. Mike Lee with Speedway SuperAmerica discussed the need for the additional signage.

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33 Todd stated that, according to the Sign Standards, if there is a non-conforming situation, the  
34 signage on the property must be brought into compliance once there is a change in signage  
35 proposed for the property. He explained that bringing a site into compliance includes meeting  
36 the sign area allotment requirement.

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38 Wood asked Lee to elaborate on the statement in the submitted materials regarding a practical  
39 difficulty in the visibility from US 31.

40  
41 Lee responded that in looking at the Shell station on the southwest corner of the same  
42 intersection, there are channel letters on the canopy. He further stated that Speedway believes  
43 that in order to be in an equitable situation with that property, they would like the same type of  
44 advantage.

45  
46 Wood asked what the plans are for the car wash.

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48 Lee stated that he does not believe there are plans to activate the carwash.

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2 Wood asked if the other Speedway station a few blocks down the street will remain.

3  
4 Lee stated that until the US 31 improvements occur, he believes that both stations will stay.

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6 A Public Hearing opened at 7:20 p.m.

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8 No one spoke, and the Public Hearing closed at 7:21 p.m.

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10 Raines moved to deny 1011-VS-06.

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12 Degnan seconded, and the motion passed 5-0.

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14 Wood moved to approve the staff's findings of fact.

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16 Raines seconded, and the motion passed by voice vote.

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18  
19 Todd announced that 1011-VU-06 and 1011-VS-07 have been continued and will be heard at the  
20 December 14, 2010 Board of Zoning Appeals meeting.

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23 **1011-VU-05**  
24 PUBLIC HEARING

**16708 North US Highway 31; Robert J. Esler.**

The Appellant is requesting a Variance of Use from the Westfield-  
Washington Zoning Ordinance (WC 16.04.070, 2), to allow an auto  
repair business in the US 31 Overlay Zone.

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27  
28 Murray introduced the use variance request, which is to allow an auto repair facility to be located  
29 within the US 31 Overlay Zone. He stated that this proposed use is not consistent with the  
30 Westfield Washington Comprehensive Plan for the US 31 corridor; however, if viewed as a  
31 temporary use until 2016, staff believes that this use would not interfere with the Comprehensive  
32 Plan. Murray stated that staff is recommending a time limit be placed on any approval of this  
33 variance and that staff is recommending approval with the listed conditions, based on findings in  
34 the staff report.

35  
36 Mr. Robert Esler stated that he is looking to rehab the property and use it until the US 31 corridor  
37 is realized.

38  
39 Wood asked if this proposed site would give the petitioner a larger facility than his current  
40 facility.

41  
42 Esler stated that he sold his previous facility and that this would be a new facility for his  
43 business.

44  
45 Sanders asked if the remaining buildings would also be his responsibility.  
46

1 Esler responded that the three northern-most buildings are not part of the property; however, the  
2 other buildings will be repaired and used by his business as needed. He also mentioned the  
3 possibly tearing a couple of them down.

4  
5 Wood asked if there will be any type of screening along the highway.

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7 Esler responded that there would not be any additional screening along the highway.

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9 A Public Hearing opened at 7:31 p.m.

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11 No one spoke, and the Public Hearing closed at 7:32 p.m.

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13 Graham moved to approve 1011-VU-05 with the following conditions:

- 14  
15 1. That the approval of this variance shall expire on December 31, 2015; and  
16 2. That any request to extend the time limit for this variance shall be reviewed and  
17 approved by the Board of Zoning Appeals prior to December 31, 2015; and  
18 3. That a new application shall be submitted by June 30, 2015 to the Community  
19 Development Department if an extension to the time limit for the variance is  
20 requested.

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22 Raines seconded, and the motion passed 5-0.

23  
24 Wood moved to adopt the staff's findings of fact.

25  
26 Raines seconded, and the motion passed by voice vote.

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28 Todd presented the 2011 BZA calendar and asked the Board for approval.

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30 The 2011 calendar was approved by voice vote.

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32 The meeting adjourned at 7:36 p.m.

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Chairman

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Secretary